

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THOMAS R. ANTHONY
and SURESH S. VAGARALI

Appeal 2006-2069
Application 10/069,362
Technology Center 1700

Decided: September 13, 2006

Before FLEMING, *Chief Administrative Patent Judge*, HARKCOM, *Vice Chief Administrative Patent Judge*, and KIMLIN, *Administrative Patent Judge*.

Per Curium.

ORDER DISMISSING APPEAL

On March 10, 2004, appellants filed a Notice of Appeal for the above-noted application. On August 7, 2006, counsel for the appellants filed a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114(d). When an RCE under 37 C.F.R. § 1.114(d) is filed after appeal

Appeal 2006-2069
Application 10/069,362

has been taken, but prior to a decision on the appeal, the paper "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, it is

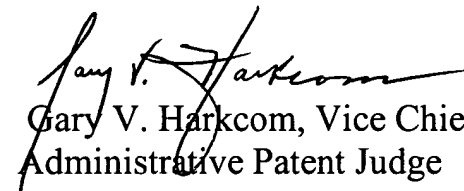
ORDERED that the appeal filed March 10, 2004 is dismissed.

The application is being returned to the examiner for further action as may be appropriate.

DISMISSED



Michael R. Fleming, Chief)
Administrative Patent Judge)



Gary V. Harkcom, Vice Chief)
Administrative Patent Judge)

) BOARD OF PATENT
) APPEALS AND
) INTERFERENCES
)
)
)



Edward C. Kimlin)
Administrative Patent Judge)

DMS/cam

Appeal 2006-2069
Application 10/069,362

Pepper Hamilton, LLP
50th floor
500 Grant Street
Pittsburgh, PA 15219-2502